

**SANFORD PLANNING BOARD MINUTES
MEETING – February 4, 2015 – 7:00 P.M.
City Hall Annex Third Floor Chambers**

MEMBERS PRESENT: Lenny Horr, Vice Chair
Lela Harrison, Secretary
Kelly Tarbox
Richard Bergeron
Dianne Connolly
Lucas Lanigan

MEMBERS ABSENT: John McAdam, Chair (w/notice)

STAFF PRESENT: James Q. Gulnac, AICP, Planning & Development Director
Matthew Hill, City Engineer
Michael Casserly, Asst. City Engineer

STAFF ABSENT: None

I. CALL TO ORDER

Vice Chair Horr called the meeting to order at 7:00 PM.

II. PUBLIC HEARING

There were no public hearing items.

III. NEW BUSINESS

There were no new business items.

IV. OLD BUSINESS

1. **File #17-14-S: Adam Blaikie & Assoc., LLC, c/o John Hutchins**, Corner Post Land Surveying, Inc., 600 Main Street, Springvale, Maine.

Vice Chair Horr called for a representative to present the project.

James Gulnac, Planning Director apologized for missing the last meeting. He then stated that there were two outstanding items from the meeting on January 21 and resolutions for both have been agreed to – a) the disposition of the property identified as going back to owner. Staff member Gulnac has reviewed the deed and it has been determined the deed cannot be filed until the plan has been approved; b) the performance guarantee will be posted at the preconstruction meeting at a date to be determined. This is due to the projected timeline of when the applicant believes the new lots will sell. The posting delay of the performance guarantee is approved for this application only.

Staff member Gulnac also addressed the issue of the maintenance agreement with the abutter, George Kanelos. Mr. Gulnac stated the abutter reluctantly understands the private way will be taking place and is not opposed to it, but concerned. Mr. Gulnac assured Mr. Kanelos his right of access is guaranteed. Mr. Kanelos also wanted to make sure the owners of the barn on adjacent property still had access by this road. Mr. Gulnac told Mr. Kanelos the barn owners still had access rights but

would not have frontage on the new private way. Mr. Gulnac then explained the difference between access and frontage rights.

Vice Chair Horr asked John Hutchins if he had any comments he wanted to make; Mr. Hutchins stated Mr. Gulnac's overview summed up where the project stood.

Board member Tarbox asked Mr. Gulnac if his proposed motion covers everything that has been discussed. Mr. Gulnac replied he believed it did.

Vice Chair Horr asked Mike Casserly, Asst. City Engineer if he had anything to add.

Mr. Casserly said at the last meeting Chair McAdam asked for a note to be placed on the mylar regarding the remaining parcel of land. Staff member Casserly confirmed this note has been added to the plan.

Vice Chair Horr called for a motion.

Board member Tarbox made a motion that the Planning Board confirm the Finding of Facts (see attached) and find that application file #17-14-S, Central Acres Subdivision Revision and Private Way application has been prepared in accordance with the ordinances of the City of Sanford and state subdivision law 30-A M.R.S.A. Section 4401 et seq. and subject to the conditions listed below approves both the subdivision revision and private way plan:

1. The applicant has paid any and all outstanding review fees.
2. The subdivision and private way plan shall be filed in York County Registry of Deeds within the required 90 days.
3. The applicant will provide a mylar copy of the subdivision and private way plan(s) with verification of filing at the Registry of Deeds plus six (6) paper copies of the same to the Planning Office.
4. The applicant will file a revised deed for tax map R12A lot 23B combining the 36,573 SF of the remaining land.
5. The applicant will schedule a preconstruction meeting with the city engineer and post a performance guarantee and inspection escrow at that time.
6. No construction permits are to be issued until a performance guarantee and inspection escrow are posted.

Board member Harrison seconded the motion.

A vote was taken and the motion passed 6-0.

V. APPROVAL OF MINUTES – January 21, 2015

Board member Harrison said she has reviewed the minutes and made a motion to approve as written.

Board member Tarbox amended the motion to change the vote approval from 7 to 6 as she was not at the meeting.

Board member Connolly seconded the motion as amended.

A vote was taken and the amended motion passed 5-0; Board member Tarbox abstained as she was not at this meeting.

VI. PLANNING DIRECTOR'S REPORT

Staff member Gulnac said he has scheduled a public hearing for the meeting in two weeks. The public hearing will be mostly dealing with revisions to the street design guidelines. This change is coming from a discussion had during a recent inventory & analysis review. Mr. Gulnac then explained what the proposed public hearing items were about.

Vice Chair Horr asked if the engineering department had put any more consideration into the posting of streets.

Matt Hill, City Engineer said he took the request to the property subcommittee a week ago. They were not able to give an approval but they did agree to notifying businesses about the proposal. The letters were going to be sent out soon. Discussion followed.

VII. ADJOURN

The meeting adjourned at 7:38 P.M.

Attachment to February 4, 2015 Minutes

Finding of Facts for Old Business Item #1 File #17-14-S: Central Acres Revision w/lans Way

- The applicant has provided verification of ownership and has standing to present the application.
- The applicant has requested to revise the Central Acres subdivision creating three parcels identified as 4-4, 4-5, and remaining land of R15 lot 116E. The applicant has further agreed that the third lot of 36,574 square feet will be combined with the adjacent parcel (tax map R15, lot 23B).
- The applicant has also requested approval of a private way over the 50' wide utility easement on adjacent parcel (tax map R12A, lot 22A) from Farview Drive.
- The city attorney has reviewed the request and provided direction indicating that the applicant can create a private way on parcel 116E and utilize, via an easement, an existing driveway subject to Planning Board approval of the construction.
- The applicant agrees that the private way will provide access to only three (3) parcels.
- The application has been reviewed by the Site Plan Review Committee and forwarded to the Planning Board with comments.
- The city engineer has reviewed the application and his comments addressed.
- Both the SPRC and the Planning Board have reviewed any waiver requests.
- The applicant proposes to serve the two lots with public water but not public sewer.
- The applicant proposes that the proposed lots will have subsurface septic systems.
- The city fire marshal has reviewed and approved both the subdivision and private way plans.
- The Planning Board has conducted a public hearing where George Kanelos, owner of the property over which the private way will travel was the only person who rose to speak. He understood that while he may not be delighted with the application, he reluctantly accepted the right of the applicant to construct the access road to the subject property.
- The Planning Board requested that the applicant make some changes to the plans requested by the city engineer and to provide a maintenance agreement. These items have been supplied.

- At the meeting of January 21, 2015 the application was tabled. The Planner was not able to attend the meeting and two issues were not resolved and therefore the matter was tabled until they could be resolved.
- The Planner discussed the questions with Mr. Casserly and the matter was scheduled for the February 4, 2015 meeting.